



Office of Small Business and Entrepreneurship
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June 9, 2015

Brandon W. Shirley
Deputy General Counsel
Office of General Counsel - FSSA
402 W. Washington St. Rm. W451
Indianapolis, IN 46204

Dear Mr. Shirley,

Pursuant to IC 4-22-2-28, the Indiana Office of Small Business and Entrepreneurship ("OSBE") has reviewed the economic impact analysis for small business associated with rule changes contained in LSA Document 13-497 proposed by the Indiana Office of the Secretary of Family and Social Services ("FSSA"). The proposed rule amends 405 IAC 1-1.5-1 to add presumptive eligibility determinations to the list of appealable actions. It adds 405 IAC 2-3.3-1 through 405 IAC 2-3.3-4 to allow hospitals to make presumptive eligibility determinations and include criteria for monitoring and sanctioning nonperforming hospitals. Effective 30 days after filing with publisher.

The economic impact statement prepared by FSSA indicates that compliance with the proposed rule should have a minimal economic impact on small businesses. For the HPE program, FSSA must provide reimbursement for covered services, even if the provider made an incorrect eligibility determination. As such, small businesses subject to the proposed rule will not be subject to alter recoupment actions. Further, the sanctions set forth in the proposed rule are non-monetary and only limit a provider's ability to participate in the HPR program and submit presumptive eligibility determinations. They do not impact a qualified provider's ability to provide general Medicaid or HIP services and receive reimbursement. OSBE does not object to the economic impact to small business associated with the proposed rule. If you have any questions about the comments contained herein please contact me at 232.5679 or ombudsman@osbe.in.gov.

Regards,

A handwritten signature in black ink that reads "Erik Scheub".

Erik Scheub